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Docket No. DEP777NP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Mark A. Heldreth                      Conf. No.: 9399  
Serial No. : 10/667,685                              Art Unit: 3736  
Filed : 09/22/2003                                  Examiner: Anuradha Ramana  
For : Modified System & Method for Intraoperative  
Tension Assessment During Joint Arthroplasty

I hereby certify that this correspondence is being deposited with the  
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10/13/05  
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Stephen J. Manich  
(Name of applicant, assignee, or Registered Representative)

/Stephen J. Manich/  
(Signature)

10/13/05  
(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2).

☐ There are no listed references which are not in the English language.

☒ The relevance of those listed references which are not in the English language is as follows: Relevance can be ascertained by reference to the drawings.

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DEP777NP/SJM. This form is submitted in triplicate.

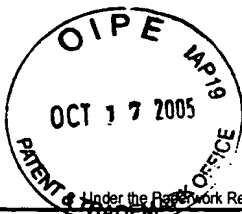
Respectfully submitted,

/Stephen J. Manich/

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DATED: October 13, 2005



PTO/SB/08A (08-00)  
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Application Number	10/667,685
Confirmation Number	9399
Filing Date	9/22/2003
First Named Inventor	Mark A. Heldreth
Group Art Unit	3736
Examiner Name	Anuradha Ramana
Attorney Docket Number	DEP777NP

### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		5213112	A	Niwa et al	05/25/1993	
		5470354	A	Hershberger et al	11/28/1995	
		5656785	A	Trainor et al	08/12/1997	

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		EP	0979636	A2	Eng et al	02/16/2000		
		EP	0979636	A3	Eng et al	02/16/2000		
		EP	1304093	A1	Gougeon et al	04/23/2003		
		WO	92/17113	A1	Kovacevic	10/15/1992		
		WO	99/35972	A1	Nuelle et al	07/22/1999		
		WO	00/38570					
		WO	01/64143	A2	Buehler et al	09/07/2001		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Group Art Unit	3736
Examiner Name	Anuradha Ramana
Attorney Docket Number	DEP777NP

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		European Search Report for European Application No. 03256122.7 - 2310 PCT, September 8, 2005, 4 pages	
		Attfield SF, Warren-Forward M, Wilton T, Sambatakakis A. Measurement of soft tissue imbalance in total knee arthroplasty using electronic instrumentation. Med Eng Phys 1994; 16: 501-5	
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		Lotke PAA, Ecker ML. Influence of positioning of prosthesis in total knee replacement. JBJS 1977; 59A: 77-79	
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		Sambatakakis A, Attfield SF, Newton G. Quantification of soft-tissue imbalance in condylar knee arthroplasty. J Biomed Eng 1993, 15: 339-43	
		Takahashi T, Wada Y, Yamamoto H. Soft-tissue balancing with pressure distribution during total knee arthroplasty. JBJS 1997, 79-B: 235-39	
		Wallace AL, Harris ML, Walsh WR, Bruce WJM. Intraoperative assessment of tibiofemoral contact stresses in total knee arthroplasty. J Arthroplasty 1998, 13(8): 923-7	
		Wasielewski RC, Galante JO, Leighty RM, Natarajan RN, Rosenberg AG. Wear patterns on retrieved polyethylene inserts and their relationship to technical considerations during total knee arthroplasty. Clin Orthop 1994; 299: 31-43	

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